

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHEASTERN DIVISION, AT KNOXVILLE**

TIMOTHY H. WOODS,)
Plaintiff,) No. _____
v.) Removed from Circuit Court for
RESORT LIFESTYLE COMMUNITIES, INC.) Knox County, Tennessee
Defendant.) Case No. 3-498-15

NOTICE OF REMOVAL

Defendant Resort Lifestyle Communities, Inc. hereby gives notice of the removal of the civil action captioned Timothy H. Woods v. Resort Lifestyle Communities, Inc., Knox County Circuit Court Case Number 3-498-15, from the Circuit Court for Knox County, Tennessee, to the United States District Court for the Eastern District of Tennessee at Knoxville. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441(a), (b), and (c) and 1446. As grounds for the removal, Defendant states as follows:

1. Plaintiff filed complaint seeking damages against the Defendant for alleged violations of Title VII of the Civil Rights Act of 1964 based upon race discrimination. Plaintiff also claimed damages under the Tennessee Human Rights Act for race discrimination and retaliation. Finally, the Plaintiff sued for punitive damages, claiming he was terminated "intentionally and maliciously" due to his race. The complaint states that the Plaintiff is a citizen and resident of Jefferson Davis County, Louisiana. The named Defendant is a lawful Nebraska corporation with its principal place of business in Lincoln, Nebraska. The complaint was filed on September 18,

2015, and the Defendant was served on September 30, 2015. A copy of all process and the complaint are attached hereto as Exhibit 1. No answer to the State Court proceedings has been filed.

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), in that complete diversity of citizenship exists between the parties, the Plaintiff being a citizen and resident of Louisiana, and the Defendant being a corporation organized, doing business in, and having its principal place of business in Nebraska.

3. Jurisdiction is also proper for this Court, in that the amount in controversy required under 28 U.S.C. §1332(a) and (b) exceeds \$75,000. In the complaint, the Plaintiff seeks compensatory damages in the amount of \$250,000 and seeks an unspecified amount of punitive damages.

4. This Court also has jurisdiction based upon the existence of a federal question pursuant to 28 U.S.C. §1331, in that the Plaintiff has pleaded a theory of recovery under Title VII of the Civil Rights Act of 1964, particularly being a theory of race discrimination.

5. Defendant reserves all defenses as well as the right to amend or supplement this Notice of Removal.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal has been served on Plaintiff's counsel and filed in the Circuit Court for Knox County, Tennessee. A copy of the Notice of Filing of Notice of Removal is attached as Exhibit 2.¹

¹ The Notice of Filing of Notice of Removal filed in the Circuit Court contained a copy of this pleading as an exhibit. Defendant has not filed that exhibit in this Court, as the same would be needlessly duplicative.

7. NOTICE TO OPPOSING PARTY: Defendant has submitted a Notice of Filing of Removal to the Circuit Court for Knox County, Tennessee, concurrent with the filing of this Notice. A copy of the Notice of Filing of Notice of Removal is attached as Exhibit 2.

WHEREFORE, Defendant hereby removes the above-styled action to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted, this 26th day of October, 2015.

BURROUGHS COLLINS & NEWCOMB, PLC

/s/J. Steven Collins
J. Steven Collins, BPR #012030
Attorney for Defendant

P.O. Box 551
Knoxville, TN 37901-0551
(865) 342-1040

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Notice of Removal** has been served via First Class U.S. Mail upon:

Brad A. Fraser
Leitner, Williams, Dooley & Napolitan, PLLC
Suite 1800, Riverview Tower
900 South Gay Street, Suite 1800
Knoxville, TN 37902

This 26th day of October, 2015.

BURROUGHS COLLINS & NEWCOMB, PLC

/s/J. Steven Collins
J. Steven Collins, BPR #012030
Attorney for Defendant